

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11

Applicant: Jason T. Cassezza
Serial No.: 09/409,330
Filed: September 30, 1999
For: Controlling Audio Volume
in Processor-Based Systems

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Group Art Unit: 2174
Examiner: C. Dela Torre
Atty. Dkt. No.: INTL-0268-US
(P7591)

Board of Patent Appeals and Interferences
Commissioner for Patents
Washington, D.C. 20231

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REPLY TO EXAMINER'S ANSWER

Dear Sir:

In response to the new issue raised in the Examiner's Answer on page 6, the Applicant submits the following reply.

The Examiner contends that "Applicant does not claim receiving information about the 'base volume of a received signal,' rather claims obtaining an indicia of the volume level of the received audio information." But, of course, the point that the Examiner is missing is that the claim actually recites obtaining an indicia of the volume level of audio information "received by said system." The point that was made in the original brief and that, apparently, is not appreciated by the Examiner is that the cited reference does not obtain any indicia whatsoever of the volume level of the information "received by the system." The cited reference does not do so because he does not need to have any information about what the level was as received. He simply allows the user to increase or decrease the volume level from whatever was received, which remains unknown at all times.

Thus, the Examiner argues that there is some type of indicia in the cited reference, but the problem is that indicia was not obtained for the audio information as "received by

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Cynthia L. Hayden
Cynthia L. Hayden


said system.” Again, the system never knows anything about the audio level of the information as received. It only gives a relative measure of how much the user increases or decreases the audio level from whatever was received. Therefore, the reference does not obtain an indicia of the volume level of the audio information “received by said system.”

The Examiner contends, with respect to claim 19, that Lee has software that controls the sound generated by a circuit in accordance with a preset volume limit. But, clearly, this cannot be so. Lee never knows what the volume is of the sound because Lee never knows what the volume is as received. All Lee can do is control how much the volume can be moved up or how much the volume can be moved down, but Lee has no idea of what the actual volume is. Therefore, Lee cannot control the volume in accordance with “a preset volume limit.”

For the above reasons, it is believed that the rejections of the claims should be reversed.

Respectfully requested,

Date: 8/22/02



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